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PAUL DEC ADORESS
P.O. BOX 6740

TELEPHONE (303) 295-0000 FACSIMILE (303) 295-0261

D. Scott Martinez

February 22, 2010

VIA OVERNIGHT MAIL AND E-MAIL TO

CONFIDENTIAL COMMUNICATION

Federal Election Commission Attn: Ms. Frankie D. Hampton 999 E. Street, NW Washington, D.C. 20463

e: MUR: 6246 - Response to Request for Information

Dear Ms. Hampton:

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We represent Dollar Loan Center, LLC ("Dollar Loan Center" or the "Company"), and hereby provide its response to the above-referenced matter under review. This response, supported by the attached affidavits, demonstrates that no action should be taken against Dollar Loan Center in this matter. Further, the documentation contained in this letter shows that Dollar Loan Center and the individuals named in Kjelden Cundiff's ("Cundiff") complaint did not violate campaign finance laws.

Holland & Hart obtained the information contained in this letter by conducting an independent, internal investigation at the request of the Company.

I. Background Information

Founded in Nevada in 1998 by Charles Brennan ("Brennan"), Dollar Loan Center has grown to forty-eight locations in Nevada, South Dakota, and Utah. Brennan now serves as CEO of the Company which employs several hundred people.

Brennan was a childhood friend of Kjelden Cundiff and considered Cundiff one of his best friends for many years. When Cundiff's father passed away when he was a teenager, Mr. Brennan's parents, Judi and Robert Brennan, took Cundiff in as a part of their family.

Bruce Cooey ("Cooey"), Company President, met Brennan and Cundiff while in college when all three worked together at a bank. Cooey and Cundiff later became

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roommates while Coocy attended graduate school. Coocy also considered Cundiff a friend and invited Cundiff to participate in his wedding.

In 2001, Cundiff began working for the Company and served in various positions within the Company with increasing responsibility. Cundiff ascended to the position of Director of Compliance, an executive position inside the Company, which he held for approximately four years.

In October, 2009, Cundiff resigned from the Company. The terms of Cundiff's resignation are the subject of ongoing litigation. The litigation surrounds the allegation that Cundiff attempted to extort \$400,000 from Brennan, while Cundiff was facing personal financial hardship. When Cundiff's demand was rejected, he resigned and began filing complaints against the Company with various institutions, including the MUR 6246 with the FEC.

Neither Brennan, Brennan's family, Cooey nor Cooey's wife have been in contact with Cundiff except through counsel. It is Dollar Loan Center's position that Cundiff is using the FEC's complaint process to try to gain leverage, or in retaliation for, the ongoing litigation with the Company. Dollar Loan Center, Brennan, Brennan's family, Cooey and Cooey's spouse all refute Cundiff's allegations and are disheartened at the abuse of process and loss of a person they trusted and considered a friend.

Dollar Loan Center's response address both parts of Cundiff's allegations: (a) that Brennan allegedly offered to reimburse Cundiff for a donation to Congressman Jon Porter's campaign, in violation of campaign finance laws; and (b) the implication that Brennan could have, potentially, reimbursed others for their campaign donations to Congressman Jon Porter.

II. Cundiff's Allegation that Brennan Offered to Reimburge Cundiff for a Donation to Congressman Porter's Campaign is False.

In 2008, incumbent Congressman Jon Porter ("Porter") was challenged by State Senator Dina Titus ("Titus") for Nevada's third congressional district. As a part of her campaign, Titus made statements against the business interests of Dollar Loan Center. As a result, Brennan supported Titus' opponent, Porter.

Breanan chose to contribute the maximum amount allowable under campaign finance laws, \$2,300, to Porter's congressional re-election campaign. He also encouraged his family, friends and business partners to donate to Porter's re-election, if those persons had the financial ability to do so. Breanan has a history of supporting politicians aligned with his business interest, as acknowledged in Candiff's complaint. [Cundiff Complaint, p.1, ¶ 2].

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Holland & Hart's investigation found no evidence that Brennan offered to reimburse Cundiff for a campaign contribution. As a part of Holland & Hart's investigation, the firm conducted a face-to-face interview with Brennan. Brennan stated that he requested that Cundiff donate \$2,300 to Porter's campaign; however, Brennan denies offering to reimburse Cundiff with either personal or corporate funds. [See Exhibit A – Affidavit of Charles Brennan]. While not waiving the attorney-client privilege, Brennan indicated that he has never offered to reimburse Cundiff, nor any other person. [See id.]. Brennan explained that he requested donations from friends and family that had the financial wherewithal to donate to Porter.

A review of Company policies and procedures found that there is no formal or informal policy for reimbursement for political donations or expenses related to political activities. The Company's employee handbook prohibits any type of illegal conduct. Brennan's activities were consistent with Company policies and did not violate campaign finance laws.

Based upon the foregoing, the FEC should not initiate an investigation of Dollar Loan Center or Brennan. Moreover, disclosures to the FEC indicate that Cundiff did not make a donation to Porter. Any violation of campaign finance law alleged by Cundiff is theoretical at best, as there is no evidence, nor facts, to support his claim. Even if Cundiff's allegations were true, which Brennan denies, an investigation would be duplicative of the internal investigation conducted by Holland & Hart. This law firm found no evidence of a reimbursement or potential reimbursement beyond the verbal allegations of Cundiff. Therefore, any further investigation would be a waste of FEC resources and against the public interest.

III. <u>Candiff's Allegations that Brennau Offered to Reimburse Family Members</u> and Other Employees for a Donation to Congressman Porter's Campaign are False.

Cundiff alleges that activity by Brennan's parents, Cooey, and Cooey's spouse (collectively "the Donors") is suspicious. [Cundiff Complaint, p. 2-3]. Cundiff does not allege, or offer any facts, that the Donors actually violated campaign finance law.

Holland & Hart conducted an internal investigation and found that the Donors did not violate any campaign finance laws. The sum of the evidence Cundiff provided that the Donors violated campaign finance laws is that they donated to Porter's campaign. Such donations, within the \$2,300 limitation, are not violations of campaign finance law.

The Donors admit that they each donated \$2,300 to Porter, but deny that they were reimbursed by Brennan or by Dollar Loan Center. [See Exhibits B, C, D & E – Affidavits of Bruce Cooey, Judi Brennan, Robert Brennan and Carla Cooey, respectively].

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Cundiff alleges that Bruce and Carla Cooey's donations to Porter are suspicious by virtue of the fact that they are not residents of Nevada. [Cundiff Complaint, p.3]. This allegation is irrelevant. It is common knowledge that candidates for federal office often receive and seek donations from across state lines; such donations do not violate campaign finance laws.

Cuadiff also alleges that Robert and Judi Brennans' occupation listed on Porter's FEC quarterly report, as owners of Dollar Loan Center "is also a falsehood." [Cuadiff Complaint, p.2, ¶ 5]. A review of Porter's paper filing shows that the field associated with Robert and Judi Brennans' employer and occupation are filled with "Information Requested." [Exhibit F - Porter for Congress, FEC Form 3, filed 12/4/2008, pp. 34-35 (additional pages omitted)]. Holland & Hart's investigation found that Charles, Robert and Judi Brennan have no first hand knowledge as to why the Porter campaign later associated them with Dollar Loan Center. Presumably, the Porter campaign made an assumption that Brennan's parents were associated with Brennan's business. There is no evidence suggesting that such information came from any member of the Brennan family.

Finally, based upon its internal investigation, Holland & Hart suggests that no further investigation of the Donors is necessary. There are no allegations that any law was actually broken, only behavior this disgruntled employee feels is suspicious. The Donors deny that any reimbursements occurred and the investigation by Holland & Hart found no evidence that such a reimbursement occurred.

IV. Conclusion

Dollar Loan Center is a successful and well respected member of the business community. It has never been accused of campaign finance misconduct and is troubled by Cundiff's allegations. Dollar Loan Center values its reputation and takes all allegations of misconduct seriously, as evidenced by its retention of Holland & Hart to conduct an internal investigation into the matter.

While it is understandable that Cundiff wishes to pursue an aggressive litigation stance regarding his former employment with the Company; following your review of this letter and the enclosed materials, we hope you will agree that any accusations against Dollar Loan Center, Charles Brennan, Robert Brennan, Judi Brennan, Bruce Cooey or Carla Cooey are unfounded and a further investigation is unnecessary. In the event this response does not provide you with the information necessary to close this matter under review, please advise us of what additional information you may need.

Thank you for your attention to this matter and we look forward to hearing from you.

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Respectfully

D. Scott Martinez, Esq. for Holland & Hart u.

DSM ce: Dollar Loan Center Enclosures

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